

105TH CONGRESS
2D SESSION

S. J. RES. 51

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1998

Referred to the Committee on the Judiciary

JOINT RESOLUTION

Granting the consent of Congress to the Potomac Highlands
Airport Authority Compact entered into between the
States of Maryland and West Virginia.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. CONGRESSIONAL CONSENT.**

4 Congress hereby consents to the Potomac Highlands
5 Airport Authority Compact entered into between the
6 States of Maryland and West Virginia. The compact reads
7 substantially as follows:

1 **“Potomac Highlands Airport Authority**
2 **Compact**

3 **“SECTION 1. COUNTY COMMISSIONS EMPOWERED TO**
4 **ENTER INTO INTERGOVERNMENTAL AGREE-**
5 **MENTS RELATING TO CUMBERLAND MUNICI-**
6 **PAL AIRPORT.**

7 “The county commissions of Mineral County, West
8 Virginia, and of other West Virginia counties contiguous
9 to Mineral County, and the governing bodies of municipal
10 corporations situated in those counties, may enter into
11 intergovernmental agreements with this State, Allegany
12 County, Maryland, other Maryland counties contiguous to
13 Allegany County and Cumberland, Maryland, and other
14 municipal corporations situated in those Maryland coun-
15 ties, and with the Potomac Highlands Airport Authority
16 regarding the operation and use of the Cumberland Mu-
17 nicipal Airport situated in Mineral County, West Virginia.
18 The agreements shall be reciprocal in nature and may in-
19 clude, but are not limited to, conditions governing the op-
20 eration, use, and maintenance of airport facilities, taxation
21 of aircraft owned by Maryland residents and others, and
22 user fees.

1 **“SEC. 2. POTOMAC HIGHLANDS AIRPORT AUTHORITY AU-**
2 **THORIZED.**

3 “The county commissions of Mineral County, West
4 Virginia, and of other West Virginia counties contiguous
5 to Mineral County, and the governing bodies of municipal
6 corporations situated in those counties, or any one or more
7 of them, jointly and severally, may create and establish,
8 with proper governmental units of this State, Allegany
9 County, Maryland, other Maryland counties contiguous to
10 Allegany County, and Cumberland, Maryland, and other
11 municipal corporations situated in those Maryland coun-
12 ties, or any one or more of them, a public agency to be
13 known as the ‘Potomac Highlands Airport Authority’ in
14 the manner and for the purposes set forth in this Com-
15 pact.

16 **“SEC. 3. AUTHORITY A CORPORATION.**

17 “When created, the Authority and the members of
18 the Authority shall constitute a public corporation and, as
19 such, shall have perpetual succession, may contract and
20 be contracted with, sue and be sued, and have and use
21 a common seal.

22 **“SEC. 4. PURPOSES.**

23 “The Authority may acquire, equip, maintain, and
24 operate an airport or landing field and appurtenant facili-
25 ties in Mineral County, on the Potomac River near

1 Ridgeley, West Virginia, to serve the area in which it is
2 located.

3 **“SEC. 5. MEMBERS OF AUTHORITY.**

4 “(a) IN GENERAL.—The management and control of
5 the Potomac Highlands Airport Authority, its property,
6 operations, business, and affairs, shall be lodged in a
7 board of seven or more persons who shall be known as
8 members of the Authority and who shall be appointed for
9 terms of three years each by those counties, municipal cor-
10 porations, or other governmental units situated in West
11 Virginia and Maryland as contribute to the funds of the
12 Authority, in such proportion between those States and
13 counties, municipal corporations, and units, and in what-
14 ever manner, as may from time to time be provided in
15 the bylaws adopted by the Authority.

16 “(b) FIRST BOARD.—The first board shall be ap-
17 pointed as follows:

18 “(1) The County Commission of Mineral Coun-
19 ty shall appoint two members for terms of two and
20 three years, respectively.

21 “(2) The governing official or body of the mu-
22 nicipal corporation of Cumberland, Maryland, shall
23 appoint three members for terms of one, two, and
24 three years, respectively.

1 “(3) The governing official or body of Allegany
2 County, Maryland, shall appoint two members for
3 terms of one and two years, respectively.

4 **“SEC. 6. POWERS.**

5 “The Potomac Highlands Airport Authority has
6 power and authority as follows:

7 “(1) To make and adopt all necessary bylaws,
8 rules, and regulations for its organization and oper-
9 ations not inconsistent with law.

10 “(2) To take all legal actions necessary or de-
11 sirable in relation to the general operation, govern-
12 ance, capital expansion, management, and protection
13 of the Cumberland Municipal Airport.

14 “(3) To increase the number of members of the
15 Authority, and to set the terms of office and ap-
16 pointment procedures for those additional members.

17 “(4) To elect its own officers, to appoint com-
18 mittees, and to employ and fix the compensation for
19 personnel necessary for its operation.

20 “(5) To enter into contracts with any person,
21 firm, or corporation, and generally to do anything
22 necessary for the purpose of acquiring, equipping,
23 expanding, maintaining, and operating an airport.

1 “(6) To delegate any authority given to it by
2 law to any of its officers, committees, agents, or em-
3 ployees.

4 “(7) To apply for, receive, and use grants in
5 aid, donations, and contributions from any sources.

6 “(8) To take or acquire lands by purchase,
7 holding title to it in its own name.

8 “(9) To purchase, own, hold, sell, and dispose
9 of personal property and to sell and dispose of any
10 real estate which it may have acquired and may de-
11 termine not to be needed for its purposes.

12 “(10) To borrow money.

13 “(11) To extend its funds in the execution of
14 the powers and authority hereby given.

15 “(12) To take all necessary steps to provide for
16 proper police protection at the airport.

17 “(13) To inventory airplanes and other personal
18 property at the airport and provide the assessor of
19 Mineral County and other proper governmental offi-
20 cials with full particulars in regard to the inventory.

21 **“SEC. 7. PARTICIPATION BY WEST VIRGINIA.**

22 “(a) APPOINTMENT OF MEMBERS; CONTRIBUTION
23 TO COSTS.—The county commissions of Mineral County
24 and of counties contiguous to Mineral County, and the
25 governing bodies of municipal corporations situated in

1 those counties, or any one or more of them, jointly and
 2 severally, may appoint members of the Authority and con-
 3 tribute to the cost of acquiring, equipping, maintaining,
 4 and operating the airport and appurtenant facilities.

5 “(b) TRANSFER OF PROPERTY.—Any of the fore-
 6 going county commissions or municipal corporations may
 7 transfer and convey to the Authority property of any kind
 8 acquired previously by the county commission or municipal
 9 corporation for airport purposes.

10 **“SEC. 8. FUNDS AND ACCOUNTS.**

11 “(a) CONTRIBUTION AND DEPOSIT OF FUNDS.—
 12 Contributions may be made to the Authority from time
 13 to time by the various bodies contributing to its funds and
 14 shall be deposited in whatever bank or banks a majority
 15 of the members of the Authority direct and may be with-
 16 drawn from them in whatever manner the Authority di-
 17 rects.

18 “(b) ACCOUNTS AND REPORTS.—The Authority shall
 19 keep strict account of all of its receipts and expenditures
 20 and shall make quarterly reports to the public and private
 21 bodies contributing to its funds, containing an itemized
 22 account of its operations in the preceding quarter. The
 23 accounts of the Authority shall be regularly examined by
 24 the State Tax Commissioner in the manner required by
 25 Article nine, Chapter six of the Code of West Virginia.

1 **“SEC. 9. PROPERTY AND OBLIGATIONS OF AUTHORITY EX-**
2 **EMPT FROM TAXATION.**

3 “The Authority is exempt from the payment of any
4 taxes or fees to the State of West Virginia or any subdivi-
5 sions of that State or to any officer or employee of the
6 State or other subdivision of it. The property of the Au-
7 thority is exempt from all local and municipal taxes.
8 Notes, debentures, and other evidence of indebtedness of
9 the Authority are declared to be issued for a public pur-
10 pose and to be public instrumentalities, and, together with
11 interest on them, are exempt from taxes.

12 **“SEC. 10. SALE OR LEASE OF PROPERTY.**

13 “In the event all of the public corporations contribut-
14 ing to the funds of the Authority so determine, the Au-
15 thority shall make sale of all of its properties and assets
16 and distribute the proceeds of the sale among those con-
17 tributing to its funds. In the alternative, if such of the
18 supporting corporations contributing a majority of the
19 funds of the Authority so determine, the Authority may
20 lease all of its property and equipment upon whatever
21 terms and conditions the Authority may fix and determine.

22 **“SEC. 11. EMPLOYEES TO BE COVERED BY WORKMEN’S**
23 **COMPENSATION.**

24 “All eligible employees of the Authority are consid-
25 ered to be within the Workmen’s Compensation Act of

1 West Virginia, and premiums on their compensation shall
 2 be paid by the Authority as required by law.

3 **“SEC. 12. LIBERAL CONSTRUCTION OF COMPACT.**

4 “It is the purpose of this Compact to provide for the
 5 maintenance and operation of an airport in a prudent and
 6 economical manner, and this Compact shall be liberally
 7 construed as giving to the Authority full and complete
 8 power reasonably required to give effect to the purposes
 9 hereof. The provisions of this Compact are in addition to
 10 and not in derogation of any power existing in the county
 11 commissions and municipal corporations herein named
 12 under any constitutional, statutory, or charter provisions
 13 which they or any of them may now have or may hereafter
 14 acquire or adopt.”.

15 **SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

16 The right to alter, amend, or repeal this joint resolu-
 17 tion is hereby expressly reserved. The consent granted by
 18 this joint resolution shall not be construed as impairing
 19 or in any manner affecting any right or jurisdiction of the
 20 United States in and over the region which forms the sub-
 21 ject of the compact.

Passed the Senate July 31, 1998.

Attest:

GARY SISCO,
Secretary.